

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LACEY SIVAK,

Petitioner,

v.

WILLIAM A. FLETCHER, et al.,

Respondents.

Case No. [23-cv-06111-TLT](#)

ORDER OF DISMISSAL

Petitioner, an Idaho state prisoner proceeding *pro se*, filed a petition for writ of mandamus seeking to compel certain conduct by Ninth Circuit Court of Appeals judges. ECF 1. Petitioner also simultaneously filed a “request to proceed without cost and on claim of imminent danger,” but did not identify any imminent danger. ECF 2.

That same day, the Clerk of the Court informed petitioner that this action was deficient because he had not submitted an *in forma pauperis* (IFP) application or paid the filing fee. ECF 3. The Court informed petitioner that he needed to correct the deficiencies within twenty-eight days from the date of the notice to avoid dismissal of this action. *Id.* The deadline has passed, and petitioner has not submitted an IFP application or paid the fee.

The Court therefore DISMISSES this action without prejudice. Because this dismissal is without prejudice, petitioner may move to reopen the action. Any such motion must contain either the \$405 filing fee or a complete *in forma pauperis* application. Petitioner should be aware that his petition does not meet the imminent danger standard for the exception to the three-strikes bar on filing IFP. *See Ray v. Lara*, 31 F.4th 692, 701 (9th Cir. 2022).

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The clerk shall terminate any pending motions, enter judgment for respondents, and close the file.

IT IS SO ORDERED.

Dated: February 6, 2024


TRINA L. THOMPSON
United States District Judge

United States District Court
Northern District of California